Idaho Justice Reinvestment Working Group

Third Meeting

October 31, 2013

Council of State Governments Justice Center

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Ed Weckerly, Data Analyst
Chenise Bonilla, Program Associate
Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence
Funding and partners

Justice Reinvestment

*a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.*
A data-driven “Idaho Solution” for increased public safety and cost-effectiveness

Idaho Legislature enacts bipartisan resolution authorizing the establishment of an Interim Committee to undertake a study of the state’s criminal justice system.

Governor Otter, Chief Justice Burdick, Senate Pres. Pro Tem Hill, and legislative leaders launch justice reinvestment

“Our corrections system is consuming an increasing share of our budget. We have a simple choice to make: continue down this path, or use data to find a smarter way to protect the public and be better stewards of tax dollars.”

Governor C.L. “Butch” Otter

Legislative Interim Committee and Justice Reinvestment Working Group formed, both chaired by Senator Lodge and Representative Wills
Justice Reinvestment Process – Phase I and II

**Bipartisan, bicameral, inter-branch working group**

**Phase I**

**Analyze Data & Develop Policy Options**

- Analyze data; look at crime, courts, corrections, and supervision trends
- Solicit input from stakeholders
- Assess behavioral health system and treatment capacity
- Develop policy options and estimate cost savings

**Phase 2**

**Implement New Policies**

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/programs
- Monitor recidivism rates and other key measures
Input gathered from across Idaho since last meeting

Numerous interactions with criminal justice system stakeholders in the past two months

- District Judges
- Department of Correction
- Chiefs of Police Association
- Prosecuting Attorneys Association
- Sheriffs' Association
- Coalition Against Sexual & Domestic Violence
- Association of Counties
- Parole Commission Members & Hearing Officers

Interactive presentation with all the state’s district judges
Nighttime ride-along with the Meridian Police Department
Statewide online survey of sheriffs and Bonneville County jail tour
Presentation to county commissioners at conference
Full day meeting with hearing officers and decision-makers
Idaho’s incarceration rate is higher than states with similar crime rates, and is costly and unsustainable

A revolving door of recidivism from supervision and diversion programs is costly and ineffective

Rates of recidivism could be lowered by increasing the use of best practices

Sanctions for revocations are long and costly, and not tailored for supervision violation behavior
Idaho’s crime rate is low compared to the national rate and continuing to decline

**Total Reported Crimes**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>89,410</td>
</tr>
<tr>
<td>2011</td>
<td>82,360</td>
</tr>
</tbody>
</table>

2007-2011 Change

**Total Crimes Against Persons**

- Murder/All Manslaughter*: Down 44%
- Aggravated Assault: Down 12%
- Simple Assault: Down 12%
- All Sex Crimes: Down 24%

**Total Crimes Against Property**

- Robbery: Down 21%
- Larceny/Theft: Down 1%
- Burglary/Breaking and Entering: Down 4%
- Destruction of Property: Down 19%
- Motor Vehicle Theft: Down 42%

**Adult DUI Arrests**

- Down 16%

*Small numbers – 30 to 50 per year

Corrections growth is projected to continue at great cost if left unaddressed


Total IDOC Expenditures (in millions), FY2008-2015

Prison total includes Term, Rider and Parole Violator inmates.

Prison percentage growth in Idaho has outpaced almost all other states in recent years.

Prison Population Percentage Change, 2010-2012

28 states saw a decrease in prison population over the last two years.

Excludes 3 states with that did not report 2012 data.

Idaho’s incarceration rate is higher than states with similar crime rates

Among states with similar crime rates, Idaho has the highest incarceration rate.

If Riders were not included, Idaho’s incarceration rate would be near South Dakota’s.

Idaho outperforms some states on both measures.

Presentation Overview

- Recidivism from supervision and diversion programs
- How Idaho can lower recidivism by using best practices
- Long and costly sanctions for revocations
Most felons are sentenced to probation and, increasingly, the Rider program.

New Felony Sentences by Type, FY2008 and 2012

- **Probation**: 4,327 (2008) → 4,485 (2012), -4% (59% in 2012)
- **Rider**: 2,768 (2008) → 2,656 (2012), +19% (24% in 2012)
- **Prison Term**: 646 (2008) → 739 (2012), +14% (16% in 2012)

Source: IDOC admissions and release data.
Proba*on! is! used! most! often! in! property! and! drug! offenses,! and! Rider! or! prison! is! more! common! in! person! crimes!

New Felony Sentences by Type and Offense Type, FY2012 (N = 4,485)

<table>
<thead>
<tr>
<th></th>
<th>Controlled Substances (35%)</th>
<th>DUI (14%)</th>
<th>Crimes Against Property (27%)</th>
<th>Crimes Against Persons (19%)</th>
<th>Other (5%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation</td>
<td>62%</td>
<td>60%</td>
<td>62%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Rider</td>
<td>23%</td>
<td>29%</td>
<td>24%</td>
<td>31%</td>
<td>22%</td>
</tr>
<tr>
<td>Prison Term</td>
<td>15%</td>
<td>11%</td>
<td>14%</td>
<td>29%</td>
<td>18%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
Use of Rider and prison varies by district, crime and alternative sentencing options

![Idaho Judicial Districts](image)

<table>
<thead>
<tr>
<th>Judicial District</th>
<th>Distribution of New Felony Sentences, FY2008-12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Probation</td>
</tr>
<tr>
<td>1</td>
<td>62%</td>
</tr>
<tr>
<td>2</td>
<td>64%</td>
</tr>
<tr>
<td>3</td>
<td>63%</td>
</tr>
<tr>
<td>4</td>
<td>51%</td>
</tr>
<tr>
<td>5</td>
<td>53%</td>
</tr>
<tr>
<td>6</td>
<td>62%</td>
</tr>
<tr>
<td>7</td>
<td><strong>69%</strong></td>
</tr>
<tr>
<td>Total</td>
<td>62%</td>
</tr>
</tbody>
</table>

- **District 4 also had a slightly larger proportion of Crimes Against Persons during this period.**
- **District 5 had a larger proportion of Controlled Substance offenses.**
- **District 7 is recognized for offering a range of alternative sentencing options (Wood Pilot Project, other problem solving courts).**

Source: IDOC admissions and release data.
Risk assessment guides decision-making in many parts in the system.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Pretrial</th>
<th>Sentencing</th>
<th>Parole Release</th>
<th>Probation/Parole</th>
<th>Rider Trio of Options</th>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to appear</td>
<td>• Risk of recidivism</td>
<td>• Risk of recidivism</td>
<td>• Supervision Intensity</td>
<td>• Program needs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recidivism</td>
<td>Program, Treatment</td>
<td>Program, Treatment</td>
<td>Program needs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Used in Idaho? | At least 5 Counties | Yes | Yes | Yes | Yes | Yes |

| Guidance in Statute or Policy | No | Treatment - Yes | No | Yes | Yes | Yes |
| Admissions Criteria - No |

| Tool(s) Used | • IPRAI | • LSI | • LSI from prison intake | • LSI |
| Other | • GAIN Core | • RDU | • Assessments | |

Council of State Governments Justice Center
Low-risk offenders are more likely to be placed on probation

New Felony Sentences by Risk, FY2012  (N = 4,485)

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Cont. Subs.</th>
<th>DUI</th>
<th>Property</th>
<th>Person</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Level</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td>L  M  H</td>
</tr>
<tr>
<td>Probation</td>
<td>360 361 151</td>
<td>190 133 28</td>
<td>334 225 120</td>
<td>183 93 32</td>
<td>57 35 11</td>
</tr>
<tr>
<td>Rider</td>
<td>57 166 112</td>
<td>61 82 31</td>
<td>50 107 119</td>
<td>78 78 92</td>
<td>9 20 16</td>
</tr>
<tr>
<td>Prison Term</td>
<td>71 88 47</td>
<td>18 23 15</td>
<td>42 46 52</td>
<td>75 72 68</td>
<td>6 12 16</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
30 percent of initial diversions are later revoked to a prison term within three years

![Graph showing 2012 New Felony Sentences, Diversion Population 84%, Probation, Rider, Term, Probation Revocations 23% of new sentences to probation revoke to Term or Rider within 3 years, Rider Failures 14% of Riders fail and serve their Term sentence, Former Rider Probation Revocations 40% of Riders placed on probation revoke to Term or Rider within 3 years. Total equals 30% of the initial diversion population.]

Source: IDOC admissions and release data.
Revocations and Riders account for 87% of prison admissions and 2/3 of the prison population

- **New Felony Sentences**: 84% were sentenced to probation or rider initially.
- **Prison Admissions**: 87% were from recidivism or new to rider.
- **Prison Population**: 66% were from recidivism or rider.

- **Probation**: 59% (term 16%)
- **Rider**: 24% (term 13%)
- **Revocations and Violators**: 41% (term 25%)

Source: IDOC admissions and release data.
Revocations take up a much smaller portion of prison beds in other states

Source: IDOC standard monthly reports and snapshot data. CSG Justice Center data from past Justice Reinvestment states.
Overview

- Recidivism from supervision and diversion programs
- How Idaho can lower recidivism by using best practices
- Long and costly sanctions for revocations
Judges want stronger supervision and more treatment resources

District judges surveyed recognized the critical importance of both quality community-based supervision, as well as programs and treatment, in lowering recidivism.

- Additional intensive probation supervision programs should be available.
- More resources should go to probation officers for supervision.
- Fund and staff more Probation Officers for adequate supervision in appropriate ways.
Low-risk offenders usually succeed on probation, but high risk offenders are more often revoked from supervision.

New Probation Sentences by Risk, FY2012

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Cont. Subs.</th>
<th>DUI</th>
<th>Property</th>
<th>Person</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Level</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
</tr>
<tr>
<td>Probation</td>
<td>360 361 151</td>
<td>190 133 28</td>
<td>334 225 120</td>
<td>183 93 32</td>
<td>57 35 11</td>
</tr>
<tr>
<td>Probation Failure Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Among probation terminations by Risk and Offense, FY2012

Probation revocations are up 21% over the past five years

Source: IDOC admissions and release data.
Idaho among a minority of states not capping felony probation terms

### Average Probation Term

<table>
<thead>
<tr>
<th>ID</th>
<th>Average Probation Term</th>
<th>5 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Probation Term Only Limited by Maximum Prison Sentence Allowed for Offense

### Average Successful Completion

### Average Revocation

### States with No Probation Term Cap

- ID
- MA
- CO
- MT
- PA
- RI
- OR
- WA
- TN
- MN
- WI
- SD
- VA
- AR
- IN
- VT
- WY

### States with Maximum Probation Terms of 5 Years or Less

- NJ
- OH
- DE
- FL
- WV
- UT
- IL
- AL
- NE
- NV
- NH
- CA
- IA
- CT
- OK
- MI
- MO
- KS
- GA
- ND
- NM
- SC
- MD
- LA
- KY
- NY
- MS
- ME
- NC

Idaho identifies and differentiates its supervision population based on risk of re-offending.

Without Risk Assessment...

With Risk Assessment...

Risk of Re-offending

<table>
<thead>
<tr>
<th>Level</th>
<th>Percent</th>
<th>Re-arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOW</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>MODERATE</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>HIGH</td>
<td>70%</td>
<td>70%</td>
</tr>
</tbody>
</table>
Focusing a high-enough “dosage” on high-risk supervision population would yield better outcomes.

<table>
<thead>
<tr>
<th>Risk of Re-offending</th>
<th>LOW 10% re-arrested</th>
<th>MODERATE 35% re-arrested</th>
<th>HIGH 70% re-arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td><img src="image" alt="Low supervision" /></td>
<td><img src="image" alt="Moderate supervision" /></td>
<td><img src="image" alt="High supervision" /></td>
</tr>
<tr>
<td>Supervision/Program Intensity</td>
<td>10% re-arrested</td>
<td>35% re-arrested</td>
<td>70% re-arrested</td>
</tr>
<tr>
<td>Moderate</td>
<td><img src="image" alt="Low supervision" /></td>
<td><img src="image" alt="Moderate supervision" /></td>
<td><img src="image" alt="High supervision" /></td>
</tr>
<tr>
<td>Supervision/Program Intensity</td>
<td>10% re-arrested</td>
<td>35% re-arrested</td>
<td>70% re-arrested</td>
</tr>
<tr>
<td>High</td>
<td><img src="image" alt="Low supervision" /></td>
<td><img src="image" alt="Moderate supervision" /></td>
<td><img src="image" alt="High supervision" /></td>
</tr>
<tr>
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<td>10% re-arrested</td>
<td>35% re-arrested</td>
<td>70% re-arrested</td>
</tr>
</tbody>
</table>
Continuum of responses available to supervision agencies to hold offenders accountable for behavior change

Responses to supervision compliance can reduce recidivism as much as or more than sanctions, when they are known ahead of time to the offender.

On average, two sanctions were applied before a violation report was submitted by PPOs in 2013.

On average, less than two treatment interventions were applied before a violation report was submitted.

Most restrictive responses should be prioritized based on risk and seriousness of violation.

- Modify supervision level
- Modify restrictiveness of conditions
- Modify travel restrictions
- Verbal praise
- Increase reporting requirements
- Short Jail Stay
- Problem solving courts
- Institutional program
- Revocation to prison

Responses to supervision compliance (Con*nuum)
Reported violations present opportunities for effective responses to offender behavior while on supervision.

<table>
<thead>
<tr>
<th>Supervision Violations Reports by Type, FY2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parole</td>
</tr>
<tr>
<td>Technical</td>
</tr>
<tr>
<td>New Misdemeanor</td>
</tr>
<tr>
<td>Absconder</td>
</tr>
<tr>
<td>New Felony</td>
</tr>
<tr>
<td>Probation</td>
</tr>
<tr>
<td>Technical</td>
</tr>
<tr>
<td>New Misdemeanor</td>
</tr>
<tr>
<td>Absconder</td>
</tr>
<tr>
<td>New Felony</td>
</tr>
</tbody>
</table>

- Meaningfully hold offenders accountable with swift-and certain responses
- Apply community-based graduated sanctions and RNR principles
- Ensure responses for absconding are more severe than for condition violations
- Use responses (confinement, increased supervision) that punish and reduce future risk

Source: Probation and parole supervision violation reports ("Bubble Sheets"), FY2013
Research, evaluation, and practice coalesce around effectiveness of swift-and-certain responses to supervision violations.

In Honolulu, Judge Alm pioneered a probation program applying supervision, drug testing, and violation responses involving swift, certain, and brief jail sanctions.

NIJ evaluation showed significant reductions in key supervision outcome measures.

Research confirms the science behind HOPE: the **swiftness** of the timing of the response and the **certainty** that there will be a response impacts offender behavior to a greater degree than the **length** of the time behind bars.

### Idaho’s Specialty Courts Are Highly Regarded on A National Level

#### 64 Problem Solving Courts:
- 24 Felony Drug Courts
- 11 Adult Mental Health Courts
- 1 Juvenile Mental Health Court
- 9 Misdemeanor/DUI Courts
- 4 DUI Courts
- 8 Juvenile Drug Courts
- 4 Child Protection Drug Courts
- 3 Veterans Courts

#### Bonneville County Mental Health Court

The goal of specialty courts is to promote effective interaction and use of resources among the courts, justice system personnel and community agencies.
States nationwide are adopting swift-and-certain responses in policy

At sentencing, judge may delegate authority to the supervising agency to impose a certain number of jail-bed days in response to violation of conditions of supervision.

Supervision agencies then create graduated-sanction policies to ensure that this response is used fairly and reasonably to maximize potential for effective responses to violations.

In North Carolina, judges may allow for a maximum of 6 days per months for a total of 18 days. The maximum number of days of jail confinement may not exceed two- or three-day periods.

Numerous other states have established similar policies:

<table>
<thead>
<tr>
<th>Arkansas</th>
<th>New Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Oregon</td>
</tr>
<tr>
<td>Louisiana</td>
<td>South Carolina</td>
</tr>
<tr>
<td>Missouri</td>
<td>Washington</td>
</tr>
</tbody>
</table>

Source:
Discretionary Jail Time is used widely, but would benefit from clearer grounding in evidence-based practices

- DJT is used only if ordered by the court as a special condition of probation
- Judges authorize the use of DJT in a majority of cases
- It is currently not used as a sanction for parole violators
- PPOs may use DJT as an intermediate response
- 88% of sheriffs indicated use of their jails beds for DJT
- Length of jail sanctions range from 1 to 30 days
- No cap for DJT length or frequency appears in policy

Sheriffs reported variation in the use of DJT and requested greater consistency in policy.
Overview

Recidivism from supervision and diversion programs

How Idaho can lower recidivism by using best practices

Long and costly sanctions for revocations
Revocations to term are long and costly – because underlying sentence is imposed

**Probation Revocations to Term**

- 2012 probation revocations to Term: 675
- Average length of stay in Term for probation revocations: 1.8 years
- IDOC cost per day: $53
- Potential cost of revocations to Term: $23M

**Parole Revocations**

- 2012 parole revocations: 595
- Average length of stay on Parole Violator and Term status: 1.6 years
- IDOC cost per day: $53
- Potential cost of revocations to Term: $18M

Potential cost of 2012 supervision revocations: $41M

Source: IDOC admissions and release data.
States are using tailored revocation terms to respond to supervision violations

Observations about the State Examples

- **Applies to both probation and parole populations**: Kansas, Hawaii, Oklahoma, Texas, and West Virginia
- **Graduated responses for subsequent violations**: Kansas, Pennsylvania, Washington, and West Virginia
- **Affects lengths of stay in secure community correction programs**: Georgia, Missouri, Oklahoma, and Pennsylvania

Eligible Population:
- Orange: Parole
- Purple: Probation
- Orange and Purple: Probation and Parole
Idaho’s sentencing statutes contain few stratifications within offense types

<table>
<thead>
<tr>
<th></th>
<th>Idaho Statute</th>
<th>Idaho 2012 Average Sentence</th>
<th>National Average Max</th>
<th>Idaho Statute Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>1 year fixed 10 year unified</td>
<td>2.6 to 7.9</td>
<td>4.75 years</td>
<td>Burglary with explosives 10-25. Entering a store with intent to shoplift constitutes burglary, regardless of value.</td>
</tr>
<tr>
<td>Grand Theft</td>
<td>1 year fixed 14 year unified</td>
<td>2.5 to 9.8</td>
<td>3.2 years</td>
<td>Felony threshold $1000. Value does not matter if extortion, weapons, checks/credit cards, pickpocketing, etc. Theft also encompasses embezzlement and receiving stolen goods.</td>
</tr>
</tbody>
</table>

In Texas, felony theft is split into levels based on dollar amount or circumstance:

<table>
<thead>
<tr>
<th>Dollar Amount</th>
<th>Degree of Felony</th>
<th>Sentence Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,500-$20K</td>
<td>State Jail felony</td>
<td>180 days to 2 years</td>
</tr>
<tr>
<td>$20K-$100K</td>
<td>3rd Degree felony</td>
<td>2 to 10 years</td>
</tr>
<tr>
<td>$100K-$200K</td>
<td>2nd Degree felony</td>
<td>2 to 20 years</td>
</tr>
<tr>
<td>&gt;$200K</td>
<td>1st Degree felony</td>
<td>5 to 99 years</td>
</tr>
</tbody>
</table>

Widely ranging lengths of incarceration are tied to original offense

<table>
<thead>
<tr>
<th></th>
<th>Idaho Statute</th>
<th>Idaho 2012 Average Sentence</th>
<th>National Average Max</th>
<th>Idaho Statute Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forgery</td>
<td>1 year fixed</td>
<td>2.0 to 8.6</td>
<td>3.75 years</td>
<td>No minimum dollar value specified, no misdemeanors.</td>
</tr>
<tr>
<td></td>
<td>14 year unified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Two People Revoked from Probation in 2012
- Both initially put on probation for Forgery
- Neither had prior DOC stays
- Both Low overall risk level

Lengthy discretionary parole release periods fall between fixed and unified sentences

The average unified sentence to Term was 2.6 times longer than the fixed period, creating a long discretionary period for parole consideration.

### Average Fixed and Unified Sentence Lengths Among New by Offense Type, FY2012

<table>
<thead>
<tr>
<th></th>
<th>Fixed Length</th>
<th>Unified Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cont. Subs.</td>
<td>2.6</td>
<td>7.6</td>
</tr>
<tr>
<td>DUI</td>
<td>2.9</td>
<td>8.6</td>
</tr>
<tr>
<td>Property</td>
<td>2.9</td>
<td>8.9</td>
</tr>
<tr>
<td>Person</td>
<td>5.7</td>
<td>12.8</td>
</tr>
<tr>
<td>Other</td>
<td>2.4</td>
<td>5.3</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
The average parole release occurs well beyond the fixed sentence length.

For the average first-time parolee in 2012, release occurred after 207% of the fixed sentence had been served.

The average parole release point has dropped 9% over the past 5 years.

The average percentage of fixed sentence length served is not differentiated by risk.

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Low</th>
<th>Mod</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Parole Release Point</td>
<td>215%</td>
<td>233%</td>
<td>178%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
Delays in release following a parole approval may cost $5 million in 2013 alone.

**Jan-Jun 2013 Commission of Pardons and Paroles Log of Releases and Delays**

- 673 total parole releases
- 475 with releases past Tentative Parole Date
- 389 with attributable days of delay

**Delay in Program Entry or Completion** affected 64% of those with attributable delays

Source: Parole Commission release delay data.
Spending focused on responding to recidivism not community-based intervention

**Department of Correction Expenditures**

$180 Million, FY2012

- **Estimated Institutional Portion**
  - $148M

- **Estimated Community Portion**
  - $32M

Two-thirds of the prison population is revocation and Rider-related

\[
\frac{2}{3} \times 148M = 98M
\]

Idaho spends $98 million responding to recidivism and treatment needs in prison and $36 million to intervene on recidivism in the community

\[32M + 4M = 36M \text{ (FY2013)}\]

Source: Fiscal Year 2014 Idaho Legislative Budget Book.
Idaho’s incarceration rate is higher than states with similar crime rates, and is costly and unsustainable.

A revolving door of recidivism from supervision and diversion programs is costly and ineffective.

Rates of recidivism could be lowered by increasing the use of best practices.

Sanctions for revocations are long and costly, and not tailored for supervision violation behavior.
A revolving door of recidivism from supervision and diversion programs is costly and ineffective.

- Probation revocations up 21%, and parole revocations up 18% over the past five years.
- This group is driving increased spending and recidivism.
- Violation response is increasingly relying on Rider and prison-based programming.

Council of State Governments Justice Center
Rates of recidivism could be lowered by increasing the adoption of best practices

<table>
<thead>
<tr>
<th>Average Probation Term</th>
<th>5 Years</th>
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<tr>
<td>1</td>
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<td>2</td>
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<td>3</td>
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<td>5</td>
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<tr>
<th>Average Revocation</th>
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<tr>
<th>Average Successful Completion</th>
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<table>
<thead>
<tr>
<th>Average Parole Term</th>
<th>3 Years</th>
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<th>Average Successful Completion</th>
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Focus on Higher Risk Population

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<thead>
<tr>
<th>LOW</th>
<th>MEDIUM</th>
<th>HIGH</th>
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</table>

- **Dosage**: Ensure higher-risk offenders receive enough officer time and programs to reduce their risk.

- **Consistency**: Use a graduated range of sanctions and incentives to guide response to compliance and non-compliance, prioritizing the most intensive sanctions for the highest-risk population.
Sanctions for revocations are long and costly, and not tailored for supervision violation behavior

Lengthy Prison Stays After Revocations
- Probation: 1.8 years
- Parole: 1.6 years

Potential Annual Cost of Supervision Revocations to Term: $41 million
- Parole Revs: $18M
- Probation Revs: $23M

Revocations and Violators: 41%
- Idaho: 33%
- Kansas: 27%
- West Virginia: 23%
- New Hampshire: 21%
- North Carolina: 21%
## Four principles of effective reinvestment

<table>
<thead>
<tr>
<th>STATE</th>
<th>APPROACH</th>
<th>POLICY</th>
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</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Up-front investment</td>
<td>Reinvested in first two years in substance use treatment for supervision population</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Maximize impact of existing investments</td>
<td>Reallocated existing behavioral health reinvestment based on evidence-based practices</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Require reinvestment in statute over time</td>
<td>Created four-year reinvestment schedule to support law enforcement, victim services, and risk assessment</td>
</tr>
<tr>
<td>Ohio</td>
<td>Create incentive for additional reinvestment based on performance</td>
<td>Counties that reduced probation revocations eligible for incentive funding</td>
</tr>
</tbody>
</table>
Proposed Timeline

May
- Press Conference and Project Launch
- Initial Data Analysis

Jun
- Working Group Meeting #1
- Detailed Data Analysis

Jul
- Interim Committee Meeting #1
- Final Data Analysis

Aug
- Working Group Meeting #2
- Stakeholder Engagement

Sep
- Guest Speakers
- Impact Analysis

Oct
- Interim Committee Meeting #2
- Policy Option Development

Nov
- Working Group Meeting #3
- Bill Drafting

Dec
- Working Group Meeting #4
- Provide Info to Policymakers and Media and Keep Stakeholders Involved

2014 Session
Thank You

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This material was prepared for the State of Idaho. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.
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